

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Eric Lee Batista

Docket No. 7:09-CR-154-1FL

Petition for Action on Supervised Release

COMES NOW Tuell Waters, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Eric Lee Batista, who, upon an earlier plea of guilty to Armed Robbery of a U.S. Postal Office and Aiding and Abetting in violation of 18 U.S.C. §§ 2114 and 2 and Use and Carry a Firearm During and in Relation to a Crime of Violence and Aiding and Abetting in violation of 18 U.S.C. §§ 924(c) and 2, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on March 25, 2011, to the custody of the Bureau of Prisons for a term of 79 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 5 years under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Eric Lee Batista will be released from custody on March 15, 2016, at which time the term of supervised release will commence.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Batista is currently serving the aforementioned term of imprisonment and remains in the custody of the Bureau of Prisons with a projected release date of March 15, 2016. On behalf of the defendant, the Bureau of Prisons petitioned the U.S. Probation Office in the District of Minnesota requesting that Batista be allowed to reside in their district with his mother, Gloria Batista, upon release from custody. The District of Minnesota investigated this request and agreed to accept the relocation provided the conditions of supervision be modified to include the District of Minnesota Offender Employment condition. It is, therefore, respectfully requested that the conditions of supervision be modified as such. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. If not employed at a regular lawful occupation, as deemed appropriate by the probation officer, the defendant may be required to perform up to 20 hours of community service per week until employed. The defendant may also participate in training, counseling, daily job search, or other employment-related activities, as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Tuell Waters
Tuell Waters
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: March 7, 2014

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ORDER OF COURT

Considered and ordered this 11th day of March, 2014, and ordered filed and made a part of the records in the above case.

Louise W. Flanagan
Louise W. Flanagan
U.S. District Judge